

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion
into the operations, practices, rates and charges of
the Hillview Water Company, Inc., a corporation,
and Roger L. Forrester, the principal shareholder
and president,

Investigation 97-07-018
(Filed July 16, 1997)

Respondents.

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING NOTICE AND
REQUIRING SUPPLEMENTAL INFORMATION**

Summary

The Petition for Modification (Petition) filed on August 8, 2005 has caused the Commission to reopen this proceeding. The Petition seeks revision of Decision (D.)01-10-025 to create an exception from the moratorium on new service hook ups in the Oakhurst- Sierra Lakes service area of Hillview Water Company (Hillview), for those, like Petitioner, who agree to drill a new well to provide water for their own supply needs and to make the surplus supply available to Hillview.

This ruling has two purposes. One is to ensure that all persons on the moratorium waiting list have notice of the Petition. Not all of them are listed on the existing service list, since this proceeding originally concerned many other matters, unrelated to the moratorium.

The second purpose of this ruling is to get sufficient information to clarify the Petition and ensure its compliance with Rule 47 of the Commission's Rules of Practice and Procedure (which governs petitions for modification).

Notice

To satisfy the notice issue, this ruling—only--will be served on the persons listed on the moratorium waiting list as of August 22, 2005, as well as on the existing service list for this proceeding. The Commission's Water Division has obtained the moratorium waiting list from Hillview. Anyone on the moratorium waiting list who has not received a copy of the Petition, and who wishes to obtain that document (or the Supplement to Petition due on September 16, 2005), should contact Petitioner to request a copy:

Bradford D. Ditton
PO Box 2036
Oakhurst, CA 93644

The existing service list for this proceeding is appended to this ruling as Attachment A. Anyone on the moratorium waiting list who is not also on that service list, and who wishes to continue to receive service of Commission-issued documents, must contact the Commission's Process Office in writing and ask to be listed in the "Information Only" service category. Please write to CPUC, Process Office, 505 Van Ness Avenue, San Francisco, CA, 94102 or send an email to Process_Office@cpuc.ca.gov by September 12, 2005.

Anyone who wishes to become a party to this proceeding and who is not already listed as an "Appearance" on the existing service list should contact the Commission's Public Advisor (415/703-2074) for information about participating in Commission proceedings. Such person or persons should prepare a Response to Petition that explains his/her/their interest in the proceeding, including support or opposition for the Petition, and how the

person(s) wish(es) to participate in this proceeding. The Response to Petition must be filed with the Commission and served on the then-current service list by October 3, 2005. The then-current service list may be obtained on the Commission's website (www.cpuc.ca.gov) or by contacting the Process Office.

Anyone presently listed on the service list, who no longer wishes to receive service, should also contact the Process Office in writing (at the street address or email address listed above) and request to be removed from the service list.

Supplemental Information

Rule 47(e):

If the petitioner is not a party to the proceeding in which the decision proposed to be modified was issued, **the petition must state specifically how the petitioner is affected by the decision** and why the petitioner did not participate in the proceeding earlier ... (Emphasis added.)

The Petition addresses Rule 47 (e) in part but does not clearly explain or describe how D.01-10-025 affects Petitioner. For example, is Petitioner a private landowner in the Oakhurst- Sierra Lakes service area who wishes to develop for his own use? A commercial developer who wishes to develop under contract to others or for resale? What is the nature of the development planned (*e.g.*, residential or commercial purpose; estimated water consumption?)

In addition, the Petition relies upon a prior Commission decision for support but does not explain how the geography or hydrology that constituted the situation underlying that decision comport with the facts here or urge the same result. The prior decision, D.89-12-020, authorized an exemption from the moratorium on new connections in the Montara-Moss Beach District of Citizens Utilities Company of California. An underground aquifer was the proposed source of water. Issues of concern in that proceeding included whether the

aquifer would yield sufficient water necessary for the proposed development, interfere with supply to other customers, or result in environmental degradation of a nearby marsh. After evidentiary hearing on these issues, the Commission concluded that the requested exemption was not adverse to the public interest and granted it. Though the Petition is silent on this point, the decision in Hillview's recent general rate case proceeding, D.05-07-029, notes that Hillview's water supply comes from hard rock wells. The Petition should explain whether drilling a new hard rock well will reduce supply to other customers or adversely affect the environment.

To address these deficiencies, Petitioner is directed to prepare a document entitled Supplement to Petition. The document shall be filed and served on the then-current service list by September 16, 2005. As stated above, the then-current service list may be obtained on the Commission's website (www.cpuc.ca.gov) or by contacting the Process Office.

IT IS RULED that:

1. Anyone on the moratorium waiting list who has not received a copy of the Petition, and who wishes to obtain it or the Supplement to Petition referenced in Ruling Paragraph 3, should contact Petitioner to request a copy. Petitioner's name and address are provided in the body of this ruling.

2. Anyone on the moratorium waiting list who is not also on the existing service list, and who wishes to continue to receive service of Commission-issued documents or to become a party to this proceeding, must comply with the instructions set forth in the body of this ruling. Anyone listed on the existing service list, who no longer wishes to receive service, should also comply with the instructions set forth in the body of this ruling.

3. By September 16, 2005, Petitioner shall file and serve on the then-current service list a Supplement to Petition, which shall include the information described in the body of this ruling.

4. Anyone who wishes to file and serve a Response To Petition may do by October 3, 2005.

Dated September 1, 2005, at San Francisco, California.

Jean Veith

Jean Veith
Administrative Law Judge

ATTACHMENT A

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(END OF ATTACHMENT A)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of Administrative Law Judge's Ruling Regarding Notice and Requiring Supplemental Information by using the following service:

☒ E-Mail Service: sending the entire document as an attachment to all known parties of record who have provided electronic mail addresses.

☒ U.S. Mail Service: mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Dated September 1, 2005, at San Francisco, California.

/s/ Antonina V. Swansen

Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.